DETAILED ACTION

1.      Claims 1, 3-7, 23-24, and 32-40 are pending in this application and presented for

examination.

*Response to Arguments*

2.      Applicant's arguments, see page 6, filed 5/22/09, with respect to the claim objections

and 112 rejections, have been fully considered and are persuasive. The objections and 112

rejections of claim 3 and claims 1, 2-7, 23-24, and 32-35, respectively, have been withdrawn.

3.      Applicant's remaining arguments filed 5/22/09 have been fully considered but they

are not persuasive.

4.      As to claim 1, Applicant argues the software application cannot be interpreted as an

IM application as an example of the application is Winword.Exe. However, as pointed out in

the remarks (i.e., "For example..."), this is an example and does not specifically limit the

claim unless pointed out in the specification to clearly be limited to such a program or to

clearly eliminate an IM program from the applications. This is not the case as the

specification in fact lists a plurality of possible programs through the use of AP1, AP2, and

AP3 (Page 10, line 38, of the specification).

5.      Further regarding claim 1, Applicant argues Szeto fails to disclose transmitting

information identifying a software application to be monitored to a first computing machine,

the information including the name of the software application.

        The Examiner respectfully disagrees. In addition to the previously cited section and

discussion of the parent case (see last Office action), the Examiner points out the following

sections of the parent case, on which Szeto derives its priority: Col. 10, ln. 23-32 and Col. 11,

ln 1-14. Clearly, an identifier of the application must be present in a scenario where

environment identifiers are sent by via instant messaging to alter the program in ways such

as launching the stock application at the remote client.  The identifier is intepreted as the

claimed "name" of the of the software application.


6.      As to claim 23, Applicant argues Szeto fails to disclose entering, by a user of the

second communication partner, the information identifying the software application prior to

the transmitting. The Examiner respectfully disagrees and points out the relied upon [0084],

specifically, after evaluating the message: "Using an identifier, the IM application is retrieved

in step 1206." Additionally, Fig. 12A (as cited in the paragraph) discloses the entering of the

identifier.

7.      As to claims 35-40, the claims are directed to new or amended subject matter and are

properly rejected in the prior art section below.


## *Claim Rejections - 35 USC § 103*

8.      The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art
> are such that the subject matter as a whole would have been obvious at the time the invention was made to a
> person having ordinary skill in the art to which said subject matter pertains.  Patentability shall not be
> negatived by the manner in which the invention was made.


9.      Claims 1, 3-4, 6-7, 23-24, 32-33, and 36 are rejected under 35 U.S.C. 103(a) as being

unpatentable over McDowell et al. (McDowell), U.S. Publication No. 2002/0035605 A1, in

view of Tzann-en Szeto (Szeto), U.S. Publication No. 2004/0215731 A1.


10.     As to claim 1, McDowell discloses a method for remotely monitoring a software

application in a packet-switching network (Abstract, ln. 1-4; [0050], ln. 5-8), comprising:

        registering the software application by a monitoring application as a first

communication partner in a list of communication partners accessible in the network, the

software application residing on a first computing machine ([0096] – [0097]; in order to

communicate with IM users, an IM user must install the IM program and register an account

and buddy list with the IM server; therefore the IM user's IM program is a software

application and the monitoring application is the IM server);

  registering a presence application in the list as a second communication partner

which monitors the first communication partner, the presence application residing on a

second computing machine ([0049], ln. 6 – [0050], ln. 5; [0051]; [0052], ln. 1-2 and 7-16;

*especially* [0052], ln. 1-2, "The Presence Server… power[s] the buddy list.");

  remotely monitoring the software application by the registered presence application

([0049] – [0050]; [0052], ln. 7-16); and

  transmitting a state of the software application to the presence application as a

message transmitted from the first communication partner, wherein the monitoring is

carried out on the basis of the message ([0052, ln. 7-16; Page 5, TABLE 1, § ON - <user

defined>…).

  McDowell is silent on transmitting information identifying the software application

to be monitored to the first computing machine, the information including a name of the

software application.

  However, Szeto discloses transmitting information identifying a software application

to be monitored to a first computing machine, the information including a name of the

software application ([0082] – [0084]).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify the teachings of McDowell by transmitting information identifying a

software application to be monitored to a first computing machine, the information

including the name of the software application as taught by Szeto in order to enable activities

such as co-searching, co-browsing, co-drawing, games, etc. (Szeto: [0094]).

11.     As to claim 3, McDowell and Szeto disclose the invention substantially as in parent

claim 1, wherein an instant messaging system is used for registration (McDowell: [0056], ln.

1-7).

12.     As to claim 4, McDowell and Szeto disclose the invention substantially as in parent

claim 1, wherein the transmission of the state is secured by a handshake process (McDowell:

[0081], ln. 5-7; [0139]; TCP/IP is known in the art to include a handshake process).

13.     As to claim 6, McDowell and Szeto disclose the invention substantially as in parent

claim 1, wherein the software application is monitorable by a plurality of presence

applications (McDowell: Fig. 7; [0048]; [0049], ln. 6-8), and a plurality of software

applications are monitorable by the presence application (McDowell: [0051]; [0056], ln. 4-7).

14.     As to claim 7, McDowell and Szeto disclose the invention substantially as in parent

claim 1, wherein the monitoring application which is associated with the software

application to be monitored is automatically registered in the list (McDowell: [0096] –

[0097]; [0150]).


15.     As to claim 23, McDowell and Szeto disclose the invention substantially as in parent

claim 1, wherein the monitoring the software application comprises:

        entering, by a user of the second communication partner, the information identifying

the software application prior to the transmitting (Szeto: [0084]).


16.     As to claim 24, the claim is rejected for reasons similar to claim 23 above.


17.     As to claim 32, McDowell and Szeto disclose the invention substantially as in parent

claim 1, wherein the second computing machine receives the software application

identifying information (Szeto: [0084]), and

        wherein the software application is located in response to receiving the information

(Szeto: [0084]).


18.     As to claim 33, the claim is rejected for reasons similar to claim 7 above.

19.     As to claim 36, McDowell and Szeto disclose the invention substantially as in parent

claim 1, wherein the state of the software application is displayed by the second computing

machine as part of a buddy list (McDowell: [0096]).

20.     As to claim 37, the claim is rejected for reasons similar to claim 1 above.

        Additionally, McDowell discloses transmitting a control instruction from the

presence application to the monitoring application, the control instruction for controlling

the software application (McDowell: [0056], ln. 4-7 and 13-15; instructions regarding other

users presence are transmitted to the client in order to control how the status of the other

users on the client's buddy list presented to the client).

21.     As to claim 38, McDowell and Szeto disclose the invention substantially as in parent

claim 37, wherein the control instruction is transmitted to the monitoring application as an

instant message (Szeto: Fig. 12A; [0082] – [0084]).

22.     As to claim 39, the claim is rejected for reasons similar to claim 38 above.

23.     As to claim 40, the claim is rejected for reasons similar to claim 36 above.

24.    Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over McDowell and

Szeto as applied to claim 1 above, further in view of IETF; 2.1.12 SIP for Instant Messaging

and Presence Leveraging (simple); 7/31/01.

25.    As to claim 5, McDowell and Szeto disclose the invention substantially as in parent

claim 1, wherein the registration of the software application and the transmission of the state

are carried out using an SIP infrastructure (McDowell: [0141], ln. 7-12), but are silent on the

SIMPLE extension to the SIP protocol.

       However, IETF discloses the SIMPLE extension to the SIP protocol (Pg. 1, heading).

       It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify the teachings of McDowell and Szeto by expanding on the use of SIP to

include the SIMPLE extension as the motivations for using both are to make use of an

interoperable standard.

       SIMPLE extends SIP to instant messaging and presence leveraging. As McDowell is

directed to presence detection and instant messaging and discloses the use of SIP, the

incorporation of SIMPLE is an obvious one in order to make use of a suite of services for

instant messaging and presence through an interoperable standard (**Description of Working**

**Group**, ¶ 1).

26.     Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over McDowell and

Szeto as applied to claim 1 above, and further in view of Enete et al. (Enete), U.S. Publication

No. 2003/0208543 A1.


27.     As to claim 34, McDowell and Szeto disclose the invention substantially as in parent

claim 1.

        The use of both IP addresses and host names may be interpreted as being a part of

McDowell and Szeto combination as McDowell discloses an instant messaging system in a

TCP/IP environment (McDowell: [0081]; [0139]). A message sent to a screen name in

McDowell must translate that information into a corresponding, receiving IP address in

order to communicate messages in a TCP/IP instant messaging environment.

        Failing this, Enete discloses an instant messaging system in which IP addresses and/or

host screen names are sent in messages to identify communication partners ([0067]).

        It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify the teachings of McDowell and Szeto by explicitly using IP addresses

and/or host screen names to contact communication applications in an instant messaging

environment as taught by Enete in order to enable communications using standardized

means of network communication, thereby preventing the need for a system to develop its

own communications standard and encourage interoperability with other systems/networks.

28.     Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over McDowell and

Szeto as applied to claim 1 above, in view of Enete, and further in view of Official Notice

(See MPEP 2144.03).

29.     As to claim 35, the claim is rejected for reasons similar to claim 34 above.

        Additionally, identifying a client by its host name was well known in the art at the

time of the invention. As, in fact, this is the purpose of a host name.

        It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify the teachings of McDowell, Szeto, and Enete in the aforementioned

manner as was well known in the art in order to identify a user using a standardized means

for doing so in an instant messaging and/or software application environment (such as those

of McDowell and Szeto).

## Conclusion

30.     The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure. See the Notice of References Cited (PTO-892).

31.     Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

        A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until

after the end of the THREE-MONTH shortened statutory period, then the shortened

statutory period will expire on the date the advisory action is mailed, and any extension fee

pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action.

In no event, however, will the statutory period for reply expire later than SIX MONTHS

from the date of this final action.


32.     Any inquiry concerning this communication or earlier communications from the

examiner should be directed to BRIAN P. WHIPPLE whose telephone number is (571)270-

1244. The examiner can normally be reached on Mon-Fri (11:30 AM to 6:00 PM EST).

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Thu Nguyen can be reached on 571-272-6967. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system.  Status information for published

applications may be obtained from either Private PAIR or Public PAIR.  Status information

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571-272-1000.

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